

1 which is permitted under the FCC's rules, in our view, should  
2 terminate and this is a separate company and the reasons why  
3 he wanted it to terminate, I think, goes very directly to the  
4 issue of whether he is a person who's subject to TBN's  
5 control.

6 JUDGE CHACHKIN: I'll overrule the objection. Any  
7 objection to paragraph 20?

8 MR. COHEN: Your Honor, this statement, the first  
9 line, "That as a minority controlled company, Minority  
10 Television had the ability to do that," I want again to --

11 JUDGE CHACHKIN: I'll strike the words "minority  
12 controlled company."

13 MR. COHEN: Thank you.

14 MR. TOPEL: So now we've got, "As a company,  
15 Minority Television had the ability to do that?"

16 JUDGE CHACHKIN: That's correct.

17 MR. COHEN: That's all I have on 20, Your Honor.

18 JUDGE CHACHKIN: Any further objection to 20?

19 MR. SHOOK: None, Your Honor.

20 JUDGE CHACHKIN: All right. 21?

21 MR. COHEN: If I could just have a second,  
22 Your Honor. I have no objection to 21.

23 JUDGE CHACHKIN: Does the Bureau have any objection?

24 MR. SHOOK: No, Your Honor.

25 JUDGE CHACHKIN: 22?

1 MR. COHEN: Yes. Beginning -- we have to reform  
2 this exhibit if my objection is sustained. It's -- you see,  
3 Your Honor, in line 1, 2, 3 -- he begins to talk about his  
4 experience with other boards and I think the -- you've made it  
5 clear that it's -- that that is not relevant to this -- to the  
6 issues in this proceeding.

7 MR. TOPEL: Your Honor, although --

8 MR. COHEN: If I could just be heard.

9 MR. TOPEL: Well, I'm going to agree, I'm going to  
10 agree with you.

11 MR. COHEN: Oh. Well, in that case, please  
12 interrupt.

13 MR. TOPEL: In light of your prior ruling our  
14 position is stated on the record, but we have no objection to  
15 your striking the words "based on my experience with other  
16 boards."

17 MR. COHEN: And I think you have to do that other  
18 places because later on the exhibit says, "Most of the boards  
19 on which I have served," etc., etc. So I think the references  
20 to the other boards should be removed to be consistent with  
21 your ruling, Your Honor, since you're -- they're talking about  
22 his --

23 JUDGE CHACHKIN: So what parts -- what are you  
24 asking --

25 MR. COHEN: Well, I --

1 JUDGE CHACHKIN: -- be retained and what are you  
2 asking to be stricken?

3 MR. COHEN: Excuse me one second.

4 MR. TOPEL: Your Honor, in light of Mr. Cohen's  
5 follow-up, I apologize for interrupting and I'd like to  
6 reserve my right to speak to his entire objection --

7 JUDGE CHACHKIN: All right.

8 MR. TOPEL: -- if Your Honor wouldn't mind. I  
9 apologize, Your Honor.

10 MR. COHEN: Mr., Mr. Schauble can -- Schauble,  
11 rather. I'm having a hard time, Your Honor, getting these  
12 words out. It's so late in the day.

13 MR. SCHAUBLE: Are we going to have a recess, by the  
14 way, Your Honor?

15 MR. COHEN: Mr. Schauble will, will state our objec-  
16 tion.

17 MR. SCHAUBLE: Your Honor, I think the objection  
18 goes from the -- on the sixth line, the sentence, "I also  
19 understood that I would not enter into day to day  
20 administrative responsibilities," and I think we would end the  
21 paragraph there on the basis that the rest of the paragraph is  
22 his view, personal view, based on his experience with prior  
23 boards is what -- as to what he thinks -- how he thinks boards  
24 ought to operate, and there's no tie in here to his personal  
25 opinion which is not relevant. What is relevant is the

1 Commission's standards as to what constitutes control and the  
2 responsibilities of the licensee, and that the rest of this  
3 paragraph is, therefore, not relevant.

4 MR. TOPEL: Your Honor, I would submit that, unlike  
5 the earlier paragraphs which you struck which were not tied  
6 directly to the witness' understanding of -- and his state of  
7 mind concerning what he would do on National Minority's board,  
8 this paragraph is directly tied to it and he should be  
9 entitled to testify to it. And Your Honor certainly may find  
10 that his understanding was wrong and it constitutes a  
11 violation. We are certainly going to urge the opposite  
12 position. But the extent to what his understanding was and  
13 whether it reflects a deceitful position or an intentional  
14 violation of Commission rules should be allowed to go into the  
15 record to draw whatever proper conclusions are drawn from it.  
16 But this is the witness' direct testimony about what he  
17 understood he was going to do on NMTV's board and why he  
18 understood it. If it is contrary to Commission's rules,  
19 Mr. Cohen and Mr. Schauble should be delirious about it, but I  
20 don't see where the witness' understanding of what he was  
21 doing on the Board should be excluded from the record.

22 JUDGE CHACHKIN: Does the Bureau have any views on  
23 this?

24 MR. SHOOK: Well, in terms of what Reverend Hill  
25 understood that he would be doing or not doing, I believe that

1 is encompassed in one of the sentences which would be kept in  
2 right now and that sentence would read, "I also understood  
3 that I would not enter into day to day administrative  
4 responsibilities." And the prior sentence also indicated what  
5 he thought he would be doing as a Board member, so it seems to  
6 me that those two sentences encompass all that we really need  
7 relative to Dr. -- the Reverend Hill's understanding of what  
8 his responsibilities as a Board member would be.

9 MR. TOPEL: I think there's something else we need  
10 which is why he did that. Now, a conclusion could be drawn if  
11 that -- as a conclusion that this was way out of line for him  
12 to draw it and that's disregard of the Commission's rules and  
13 that has a consequence, or an inference can be drawn that  
14 well, I see why he thought that. He was wrong or he was  
15 right. Of course, we're going to argue that it's consistent  
16 with the Commission's rules, but if, if it's found that it's  
17 not --

18 JUDGE CHACHKIN: If it's consistent with the  
19 Commission's rules then we don't have to know about what other  
20 boards do. I am not going to allow -- if this testimony comes  
21 in, then it seems to me the parties would be able to question  
22 the witness extensively with respect to what he did on the  
23 Billy -- with the Billy Graham Association, what he did with  
24 respect to the National Baptist Convention and any other board  
25 that he did on and could ask for documents backing up his

1 statement. All of the statements which he makes concerning  
2 how he operated on other boards would be subject to  
3 questioning and you would have to be prepared to submit  
4 whatever documents you have with respect to these other boards  
5 which support his conclusion that all, all he was required to  
6 do was this. This seems to me, this argument, to be like  
7 someone who's on the board of a savings and loan association  
8 and said well, I assumed when I would be on this board all I  
9 had to do was just show up and collect my \$100 and go home and  
10 I didn't have to worry about whether some of the bank loans  
11 were, were excessive, etc., etc., etc. because my experience  
12 with Billy Graham and the National Baptist Convention  
13 indicated to me that was the type of board action I was. Do  
14 you think that would save the man from prison or a civil suit?

15 MR. TOPEL: That wouldn't help me.

16 JUDGE CHACHKIN: I don't think this will help him  
17 either, frankly.

18 MR. TOPEL: Okay. And, Your Honor, may I propose a  
19 modified version of the paragraph? Obviously I maintain my  
20 position, but I understand your ruling that the past  
21 experience will be excluded. And I would like to suggest  
22 modifying the paragraph in this way. Striking the words, with  
23 my objection or comments on the record, "Based on my  
24 experience with other boards," and have it read, "I also  
25 understood that I would not enter into day to day

1 administrative responsibilities because," -- I'll even remove  
2 the philosophy point, "because I do not believe that is the  
3 job of the Board. Rather, I believe that is, that is the job  
4 of the Executive Administrator and if the Board dislikes what  
5 is going on, then it either changes the policy or changes the  
6 Executive Administrator." That explains Pastor Hill's  
7 understanding of a board member, what a board member should  
8 do, and he talks about that he views a board member as someone  
9 who should change the policy or change the Administrator. It  
10 doesn't tie in any past experience, but gives an explanation,  
11 understanding, for his role on the board and I think that  
12 removes the references to the past experience while allowing  
13 Pastor Hill to explain what his role -- directly what his role  
14 on the National Minority Board was in his view.

15 JUDGE CHACHKIN: Any objections to that, that  
16 change?

17 MR. SHOOK: The Bureau has no problem with that.

18 MR. SCHAUBLE: Actually we have one.

19 JUDGE CHACHKIN: Yes.

20 MR. SCHAUBLE: We have no objection, Your Honor.

21 JUDGE CHACHKIN: So what we have allowed in is now,  
22 "I also understood that I would not enter into day to day  
23 administrative responsibilities because I do not believe that  
24 is the job of the Board," and the following sentence? What --  
25 how did you change --

1 MR. TOPEL: "I also understood that I would enter  
2 the day to day administrative responsibilities." Strike,  
3 strike "based on my experience."

4 JUDGE CHACHKIN: Yes, I know. I have stricken that.

5 MR. TOPEL: -- "with other boards and my philosophy  
6 as a board member."

7 JUDGE CHACHKIN: Yes, I understand that. Then you  
8 wanted in the next sentence or how as that modified?

9 MR. TOPEL: Yeah. Now, the next, the next sentence  
10 would stay in in its entirety.

11 JUDGE CHACHKIN: And the rest of the paragraph would  
12 be stricken?

13 MR. TOPEL: Well, that was -- I just -- the last  
14 sentence -- one second, Your Honor, with your indulgence.  
15 Yeah, the rest of the paragraph.

16 JUDGE CHACHKIN: All right. And the parties have no  
17 objection to that modification?

18 MR. COHEN: The rest of the paragraph --

19 JUDGE CHACHKIN: Is stricken.

20 MR. COHEN: -- is stricken.

21 JUDGE CHACHKIN: All right.

22 MR. SCHAUBLE: Are we going to have a recess,  
23 Your Honor?

24 JUDGE CHACHKIN: Is it necessary at this very moment  
25 or --



1 MR. SCHAUBLE: No, no, Your Honor. I'll -- you  
2 know, I'll labor on.

3 JUDGE CHACHKIN: All right.

4 MR. COHEN: Mr. Schauble will continue to support  
5 me.

6 JUDGE CHACHKIN: All right, 3:00. Paragraph 23?

7 MR. COHEN: Yes.

8 JUDGE CHACHKIN: Any objection?

9 MR. COHEN: No.

10 JUDGE CHACHKIN: Does the Bureau have any objection?

11 MR. SHOOK: No, Your Honor.

12 JUDGE CHACHKIN: Paragraph 24, any objection?

13 MR. COHEN: 24, I do, Your Honor, and I -- I'm  
14 reluctant to bring this up, but we now have the -- in  
15 paragraph 24 this -- the issue that you dealt with this  
16 morning about the accusations, "Considering that the  
17 accusation made in this FCC preceding is that." You ruled  
18 this morning that that was not appropriate testimony and I, I  
19 suggest, Your Honor -- I respectfully urge to reaffirm that  
20 ruling.

21 MR. TOPEL: Your Honor, I'll, I'll accede to  
22 modifying so that that clause begins to read, "Considering  
23 that Trinity already has a station, one might ask," and then  
24 strike the next sentence after that also that refers to the  
25 accusation, so that it would read -- I would be striking in

1 the fourth line the last word "the" so it says "Considering  
2 that," and continuing on with "Trinity already has a station."  
3 Strike -- complete that sentence. Then strike the end of the  
4 next sentence and that removes, I think, the basis for the  
5 objection.

6 MR. COHEN: Your Honor, could Mr. Topel read one  
7 more time how, how this would work?

8 MR. TOPEL: Okay. So it would read, "Considering  
9 that Trinity already has a station, Channel 40 in the Los  
10 Angeles market, one might ask why I believe Minority  
11 Television should acquire a station in the Los Angeles area."

12 JUDGE CHACHKIN: The next sentence will be stricken?

13 MR. TOPEL: Yes. And then the answer is that, that  
14 Channel 40 is not ours and so on and so forth. So the  
15 references to the accusations are removed.

16 MR. COHEN: Well, I have another objection,  
17 Your Honor, and I --

18 JUDGE CHACHKIN: All right.

19 MR. COHEN: -- I appreciate that, but there's a --  
20 this is speculative in it's, it's the future and there's no  
21 foundation. It's says "should acquire a station." That  
22 standing alone doesn't seem to me to have any probative  
23 significance.

24 MR. TOPEL: Oh, no, Your Honor. This relates to a  
25 meeting that occurred on January 14th at which the witness

1 testified --

2 MR. COHEN: Your point is well taken. You're right,  
3 Mr. Topel. I'm in error.

4 JUDGE CHACHKIN: So you have no objection to this  
5 --

6 MR. COHEN: I'm in error.

7 JUDGE CHACHKIN: -- paragraph?

8 MR. COHEN: I'm in error.

9 JUDGE CHACHKIN: All right. Does the Bureau have  
10 any objection?

11 MR. SHOOK: As reformed, Your Honor, the Bureau is  
12 fine with this paragraph.

13 JUDGE CHACHKIN: All right. Paragraph 25?

14 MR. COHEN: Yes, I have something in paragraph 25,  
15 Your Honor.

16 JUDGE CHACHKIN: All right.

17 MR. COHEN: On page 20, the first full sentence  
18 beginning, "Based on my life's experience," through  
19 "community." I believe that this is conclusory material,  
20 Your Honor, that's not relevant.

21 MR. TOPEL: Well, again, Your Honor, this is a  
22 specific action of Pastor Hill as a director of National  
23 Minority Television where he proposed that National Minority  
24 Television hire a minority attorney, and he's stating the  
25 reasons why he made that proposal and got it adopted by the

1 Board. It goes directly to the issue of his participation on  
2 the Board, his legitimacy in participating in Board actions.

3 JUDGE CHACHKIN: Does the Bureau have any  
4 objections?

5 MR. SHOOK: Your Honor, for the reasons stated by  
6 Mr. Cohen, the Bureau believes that the sentence that he  
7 points out -- it begins with "Based" and ends with "community"  
8 -- is unnecessary. We don't really need to know what Reverend  
9 Hill's reasoning is. He did make the -- he did urge what he  
10 urged and if it's reflected in the minutes, so be it.

11 JUDGE CHACHKIN: So you object to the entire  
12 sentence?

13 MR. SHOOK: Yes, Your Honor.

14 JUDGE CHACHKIN: On the grounds it's irrelevant --

15 MR. SHOOK: Yes, Your Honor.

16 JUDGE CHACHKIN: -- what his reasons were?

17 MR. SHOOK: Yes, Your Honor.

18 JUDGE CHACHKIN: And the next sentence? Oh.

19 MR. TOPEL: I don't think there's an objection to  
20 the next sentence.

21 MR. COHEN: No. I don't object.

22 JUDGE CHACHKIN: Oh, all right. Well, if the  
23 parties say it's irrelevant what his reasons are --

24 MR. TOPEL: I don't say that, Your Honor.

25 JUDGE CHACHKIN: Oh, I understand --

1 MR. TOPEL: I'm a party.

2 JUDGE CHACHKIN: -- you don't say that, but I want  
3 to tighten this up as much as possible to a short cross-  
4 examination. I will strike the sentence. If the parties  
5 raise questions as reasoning, then obviously you can state  
6 those reasons if that's -- that becomes an issue. If the  
7 parties don't raise questions, then there won't be an issue on  
8 it.

9 MR. COHEN: I think you should strike the word  
10 "therefore" in the next sentence.

11 JUDGE CHACHKIN: "I urge" -- all right. The word  
12 "therefore" is stricken. Any further objections to paragraph  
13 25?

14 MR. COHEN: I have no objections to 25.

15 JUDGE CHACHKIN: 26?

16 MR. COHEN: Yes. In -- on page 21 I think the  
17 sentence beginning "I have received favorable reports" is  
18 objectionable because it's not relevant.

19 MR. TOPEL: Well, Your Honor --

20 MR. COHEN: Let me -- if I can say why. Because I  
21 think -- and you're going to see much of this, Your Honor. If  
22 you want to shorten the record, you should be aware of what  
23 I'm about to tell you. Most of -- much of Mr. McClellan's  
24 testimony is chock full of his efforts in community outreach.  
25 It reads like it's a renewal expectancy proceeding for this --

1 for the NMTV station in Portland. And this is part of the  
2 same type of material. I suggest to you that this is not  
3 relevant to the designated issues in this proceeding, that is,  
4 the favorable reports about outreach concerning the minority  
5 community in Portland.

6 MR. TOPEL: Your Honor, the fact that Pastor Hill is  
7 the director who receives these reports is an element of his  
8 activity as a director of National Minority Television.

9 MR. COHEN: The reports are from the minority  
10 community. They're not from NMTV, Your Honor --

11 MR. TOPEL: No, but they are to Pastor --

12 MR. COHEN: -- according to his testimony.

13 MR. TOPEL: They are to Pastor E. B. Hill.

14 JUDGE CHACHKIN: What is the Bureau's position?

15 MR. SHOOK: Your Honor, the Bureau has a hearsay  
16 objection because it appears that part of what's involved here  
17 at least is the assertion that there are favorable reports  
18 from the minority community, not -- this doesn't appear to be  
19 simply limited to what, you know, Dr. Hill's state of mind may  
20 be, and so the -- in addition to the objection voiced by  
21 Mr. Cohen, the Bureau also has a hearsay objection.

22 JUDGE CHACHKIN: I'll strike the sentence.

23 MR. COHEN: I have no objection on paragraph 27,  
24 Your Honor.

25 JUDGE CHACHKIN: Does the Bureau have any objection?

1 27?

2 MR. SHOOK: Your Honor, one second. I wasn't  
3 focused on it. No objection, Your Honor.

4 JUDGE CHACHKIN: 28?

5 MR. COHEN: I have no objection to 28, Your Honor.

6 MR. SHOOK: No objection by the Bureau.

7 JUDGE CHACHKIN: 29?

8 MR. COHEN: None to 29.

9 MR. SHOOK: And none to 29 either.

10 JUDGE CHACHKIN: 30?

11 MR. COHEN: On 30 I object as irrelevant. Now,  
12 you'll have to bear with me for one second, Your Honor. 28  
13 and 29, to which I did not object, is a explanation of why  
14 NMTV did not fund community -- and you'll be hearing more  
15 about that as the days unfold, Your Honor. But 30 -- and that  
16 I didn't object because that was an action of the Board and  
17 this gentleman was a member of the Board and that's important  
18 for you to know what he did and what he didn't do concerning  
19 community --, but 30, Your Honor, if you'll notice, "Although  
20 Minority Television's participation in community -- did not  
21 occur, I would like to note, to note several points," and then  
22 he proceeds to philosophize, if you will, about minority  
23 businessmen finding it difficult to find funds, etc., etc.,  
24 and it doesn't relate to NMTV and to the issues in this  
25 proceeding.

1 MR. SHOOK: The Bureau also a relevance objection to  
2 the entirety of paragraph 30.

3 JUDGE CHACHKIN: 30 will be stricken as not  
4 irrelevant. 31?

5 MR. COHEN: No objection.

6 JUDGE CHACHKIN: 32?

7 MR. COHEN: No objection.

8 JUDGE CHACHKIN: 33?

9 MR. COHEN: Yes, sir. Paragraph 33 --

10 MR. SHOOK: Your Honor, before we leave paragraph 32  
11 --

12 JUDGE CHACHKIN: Yes.

13 MR. SHOOK: -- the Bureau does have an objection to  
14 the portion of the paragraph that -- it appears on page 27,  
15 approximately nine lines down, the sentence that begins with  
16 "That fact," etc. to the end. The Bureau has a relevance  
17 objection to those sentences. Again, we're talking --

18 MR. COHEN: I missed that, Your Honor. In view of  
19 your earlier rulings I should have picked that up.

20 JUDGE CHACHKIN: The sentence will be stricken as  
21 irrelevant.

22 MR. SHOOK: Your Honor, it's not simply that  
23 sentence. It would be the rest of the paragraph that the  
24 Bureau objects to.

25 JUDGE CHACHKIN: The remainder of the paragraph will



1 be stricken. So the material beginning with "That fact" and  
2 continuing to the end of the paragraph is stricken as not  
3 relevant. Any objection to 33?

4 MR. COHEN: Yes, sir. Okay. Paragraph 33 begins by  
5 saying he wants to assure the FCC that I'm my own man. Now --

6 JUDGE CHACHKIN: Well, I'm going to strike the  
7 entire paragraph. I've certainly got no interest in exploring  
8 his turning down bribes from the Mafia. I don't know what  
9 that has to do with anything.

10 MR. COHEN: Well, that's what I was going to  
11 suggest. And paragraph 34 I submit, Your Honor, is not  
12 relevant -- it's not tied into the issues in this proceeding.  
13 It's a general philosophy and it doesn't relate to the control  
14 issues in this proceeding or the abuse of process.

15 JUDGE CHACHKIN: The first, second and third, all of  
16 that, is what you're talking about?

17 MR. COHEN: I'm talking about -- I'm first talking  
18 about the introduction up to the colon, and then the rest of  
19 it -- that the rest of it flows, Your Honor. It's all, it's  
20 all general --

21 JUDGE CHACHKIN: It will all be stricken. Paragraph  
22 --

23 JUDGE CHACHKIN: -- philosophy.

24 JUDGE CHACHKIN: Paragraph 34 will be stricken as  
25 irrelevant. And as far as the tab is concerned, objection to

1 the tab showing --

2 MR. COHEN: 35 you haven't ruled on, Your Honor, and  
3 I have an objection to 35 --

4 JUDGE CHACHKIN: 35?

5 MR. COHEN: -- for the same reason.

6 JUDGE CHACHKIN: Let's see what 35 has to say.

7 MR. COHEN: This is the portion where he asks the  
8 FCC to tell him where he's gone wrong which you dealt with  
9 earlier.

10 MR. TOPEL: Well, yes, Your Honor, and you allowed  
11 testimony in about contrition and intent to comply in the  
12 future.

13 MR. COHEN: That was not --

14 JUDGE CHACHKIN: No. That's not what he allowed in,  
15 contrition and intent to comply in the future. That's not  
16 relevant to the issues.

17 MR. TOPEL: It's relevant to mitigation.

18 JUDGE CHACHKIN: I don't think it's relevant to  
19 mitigation. I assume every licensee who committed wrong will  
20 tell you that if you tell me how I erred, I promise you I  
21 won't do it in the future, but that doesn't go to mitigation  
22 as far as I'm concerned.

23 MR. TOPEL: Your Honor, I would submit that the  
24 witness' statement that he has not intentionally violated an  
25 FCC requirement --

1 JUDGE CHACHKIN: Well, that will, that will depend  
2 on the testimony. The facts will establish whether -- the  
3 judgment of the court and the Commission whether, in fact, he  
4 intentionally violated an FCC rule.

5 MR. TOPEL: But I think he's entitled to, to testify  
6 that he didn't --

7 JUDGE CHACHKIN: Oh, I'm sure --

8 MR. TOPEL: -- that he did not -- to testify. We're  
9 asked to, in a sense, prove a negative and I think the witness  
10 is allowed to testify under oath and, yes, there will be  
11 cross-examination and Your Honor will -- you did allow, you  
12 did allow that statement in with Mrs. Duff, I believe,  
13 Your Honor.

14 MR. SHOOK: Your Honor, the Bureau does -- I confess  
15 that the memory's a bit fuzzy at this point, but I would -- I  
16 seem to recall that there was a similar statement that was  
17 allowed with respect to Mrs. Duff and it was basically limited  
18 to a statement of belief.

19 MR. COHEN: And I'd ask you to revisit it,  
20 Your Honor, because from what you said a moment ago, it's  
21 clear to me that that is not relevant to the designated issues  
22 and it's remote and it's collateral to the matter of, of  
23 sanction.

24 MR. TOPEL: The intent of the licensee --

25 JUDGE CHACHKIN: I'm going to allow in the one

1 sentence, "I know that I have not intentionally violated any  
2 FCC requirement," and he could be challenged on that. The  
3 rest of the paragraph will be stricken as irrelevant. And as  
4 far as Tab A, what is your position, Mr. Cohen?

5 MR. COHEN: I believe you should not admit it.

6 JUDGE CHACHKIN: I don't see how it's relevant to  
7 the question of control and so Tab A will also be rejected.

8 MR. TOPEL: And, Your Honor, for the record I have  
9 on some of the latter rulings you made not restated my  
10 position because they're on the record, but I hold those  
11 positions.

12 JUDGE CHACHKIN: All right. So TBF Exhibit 122  
13 (sic) with the exceptions noted is received in evidence. Tab  
14 A is rejected.

15 (The document that was previously  
16 marked for identification as TBF  
17 Exhibit No. 102 was received into  
18 evidence with noted exceptions.)

19 MR. TOPEL: Okay. I believe you may have said  
20 inadvertently 122. It's Exhibit 102.

21 JUDGE CHACHKIN: 102, I'm sorry. TBF Exhibit 102 is  
22 received. Tab A of Exhibit 102 is rejected. We'll take a ten  
23 minute recess.

24 (Off the record.)

25 JUDGE CHACHKIN: On the record. We have more

1 exhibits, I assume?

2 MR. TOPEL: Yes, Your Honor. A few, Your Honor, a  
3 few hundred more.

4 JUDGE CHACHKIN: A few hundred more? All right.  
5 That's encouraging.

6 MR. TOPEL: Which I'm sure we'll be done with by the  
7 end of the day.

8 JUDGE CHACHKIN: I'm sure will.

9 MR. TOPEL: Your Honor, TBF offers into evidence TBF  
10 Exhibit 103.

11 JUDGE CHACHKIN: All right. Any objections to TBF  
12 Exhibit 103?

13 MR. COHEN: Yes. Yes, sir. I don't, I don't want  
14 to belabor the record, Your Honor. I think your rulings on  
15 the proceeding exhibit were clear as to what's relevant and  
16 not relevant. With that in mind, I have no objection to  
17 paragraph 1 and 2 of --

18 JUDGE CHACHKIN: All right.

19 MR. COHEN: -- Mr. Ramirez's testimony. I do have  
20 objections to paragraphs 3, 4 -- no. Strike that. Not 4  
21 because that concerns his relationship with TBN.

22 JUDGE CHACHKIN: Well, as far as 3 is concerned, I  
23 will strike that all as irrelevant.

24 MR. COHEN: I do not, I do not object to that  
25 portion of paragraph 4 from the first sentence -- in fact, I

1 have no objection to paragraph 4.

2 JUDGE CHACHKIN: All right.

3 MR. COHEN: I do object to paragraph 5. No. Strike  
4 that. That was on -- no. I'm in error, Your Honor. I have  
5 no objection --

6 JUDGE CHACHKIN: To 5?

7 MR. COHEN: -- to 5.

8 JUDGE CHACHKIN: Bureau similarly has no objection?

9 MR. SCHONMAN: This is a period of time when he was  
10 not yet a director.

11 MR. COHEN: That's correct. That's correct.

12 MR. SCHONMAN: But it deals his relationship with  
13 Ms. Duff apparently.

14 MR. COHEN: That's right and that's why I had no  
15 objection to it.

16 MR. SCHONMAN: All right. Nor does the Bureau.

17 JUDGE CHACHKIN: Paragraph 6?

18 MR. COHEN: Paragraph 6, Your Honor, I don't object  
19 to any portion of it that concerns his relationship with TBN  
20 and I have to -- in order to arrive at that you have to go  
21 through it line by line. The third line I begin -- I object  
22 beginning, "During that time." That's when he had no further  
23 relationship with TBN.

24 JUDGE CHACHKIN: All right. I'll strike that  
25 sentence.

1 MR. SCHONMAN: Which sentence is that, Your Honor?

2 MR. COHEN: The first sentence --

3 JUDGE CHACHKIN: Just the second sentence which  
4 reads, "During that time in addition to my -- Pastor I gave  
5 various community activities described in paragraph." That's  
6 stricken.

7 MR. COHEN: Yes. And I also object to the, to the  
8 reference to the, to the programming on Channel 52 and 54 --

9 MR. TOPEL: Well, Your Honor, that --

10 MR. COHEN: -- because that has nothing to do with  
11 his connection with TBN or NMTV.

12 MR. TOPEL: Well, Your Honor, that I would like to  
13 speak to because I think --

14 MR. COHEN: Well, let me just, let me just get done  
15 with my objection, Mr. Topel, stating it.

16 MR. TOPEL: Oh, I thought you were finished.

17 MR. COHEN: I'm not --

18 JUDGE CHACHKIN: Well, I'll allow in his broadcast  
19 experience. I'll overrule the objection.

20 MR. COHEN: Very well, sir. Any objection to 7?

21 MR. COHEN: Yes. Bear with me. Can I have one  
22 second, Your Honor?

23 JUDGE CHACHKIN: Yes.

24 MR. COHEN: Mr. Schauble points out to me that in  
25 the middle of 6 there's reference, "We also worked to promote

1 interracial harmony and broadcast several programs on that  
2 subject after the Los Angeles riots in '92," but I guess  
3 that's just one sentence.

4 JUDGE CHACHKIN: I'll leave it in.

5 MR. COHEN: Very good then. 7 I have no objection  
6 to.

7 JUDGE CHACHKIN: All right. I assume the Bureau's  
8 silence that they also have no objection?

9 MR. SCHONMAN: That's correct.

10 JUDGE CHACHKIN: All right. 8?

11 MR. COHEN: No, no objection.

12 JUDGE CHACHKIN: 9?

13 MR. COHEN: No objection.

14 JUDGE CHACHKIN: 10?

15 MR. COHEN: No objection.

16 JUDGE CHACHKIN: What's your next objection?

17 MR. COHEN: Yes. In 11, paragraph (a), I want to be  
18 clear that -- I believe this is conclusory but consistent as  
19 -- I'm talking about the sentence beginning, "First I want to"  
20 through "I would not be part of the organization on any other  
21 basis." When he says he wasn't used by anybody that's  
22 conclusory, but you've let this in before and I assume you're  
23 going to let it in on the same basis, not that, not that  
24 you're going to write a finding that he can't -- that he will  
25 not be used by anybody? That's just his, his frame of mind



1 and his -- and I would object to it for any other reason.

2 JUDGE CHACHKIN: It won't be received for any other  
3 reason.

4 MR. COHEN: And I would, I would add that I make  
5 that same objection to the last sentence, Your Honor,  
6 beginning, "Whether or not TBN paid me, I've been my own  
7 person."

8 JUDGE CHACHKIN: It's self-serving. It's  
9 meaningless. It's not going to make a difference. The case  
10 will be decided on the facts.

11 MR. COHEN: Very well, Your Honor.

12 MR. COHEN: And in paragraph (b), and I don't mean  
13 to quibble, the word "open" is a word that -- strike that.  
14 I'm going -- that's cross-examination. No objection, no  
15 objection on page 10.

16 MR. SCHONMAN: The Bureau has an objection.

17 JUDGE CHACHKIN: What is that?

18 MR. SCHONMAN: On page 10, paragraph (c), four lines  
19 down, the sentence beginning, "Based on my involvement with  
20 other non-profit boards."

21 JUDGE CHACHKIN: Your point's well taken. I missed  
22 that, Your Honor.

23 MR. SCHONMAN: And what he did on other boards is  
24 irrelevant, as you've discussed, is irrelevant.

25 JUDGE CHACHKIN: All right. So --